

Attorney Docket No.: 47004.000115
Application No. 09/985,900

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REMARKS

Claims 48-79 are pending in the application. By this Amendment, claims 48-79 are added, and claims 1-47 are canceled without prejudice or disclaimer to the subject matter set forth therein. Reconsideration and allowance in view of the foregoing amendments and following remarks are respectfully requested.

New claims 48-79 are added to more clearly recite the claimed invention, and to further distinguish over the applied art.

No new matter has been added by this Amendment. Support for the claim amendments may be found in the previously presented claims, as well as in the published application in paragraphs 0023, 0024, 0044-0047, and 0056-0058, for example.

A. The 35 U.S.C. 102 Rejection

In the Office Action, claims 1-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al. (hereinafter Johnson) U.S. Patent 6,999,943. This rejection is traversed.

The features of new claim 48 are set forth above. In particular, claim 48 recites:

a processor, the processor communicating with the input portion and the payment platform database so as to input the first information and access select payment platform information, the processor:

identifying a **single payment source** based on the payment source information, the single payment source being the source of funds for the transmission of funds;

identifying a payee account based on the payee information;
performing, **after identifying the single payment source** and the payee account, an optimization determination to determine a payment mechanism to use to transfer the funds from the single payment source to the payee account, the processor using the first information and payment platform information in the optimization determination; ...

Johnson fails to teach or suggest the claimed features. For example, in column 9, lines 9-28, Johnson describes:

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FIG. 2 shows the overall transaction flow in an exemplary transaction using an exemplary embodiment of the invention. Customer (200) has relationships with issuer 1 (210) and issuer 2 (215), issuers of **two payment instruments**. Each issuer may provide services to the customer, the payment network, and/or any other entity involved with the network, such as providing transaction and billing statements showing purchases, extending credit, and accepting risk if customer (200) fails to pay.

To make a payment to merchant (205), customer (200) provides information describing the payment method(s) that the customer can offer and is willing to allow the merchant to use for the transaction. If the customer can only provide one payment method acceptable to the merchant or that can cover the entire purchase amount, the **merchant processes the transaction with that method**. Otherwise, the merchant receives information about **two or more methods** with the understanding from the customer that the transaction may be processed by either or any of these methods.

Further, in column 10, lines 32-34, Johnson describes that based on its analysis, the transaction evaluator chooses one transaction method and notifies merchant (205) which method to use when processing the payment transaction. The merchant notifies the customer which payment method will be used and submits the transaction for payment through the appropriate transaction processing mechanism.

Further, in column 11, lines 51-57, Johnson teaches a customer's selection of a first payment option and a second payment option. Further, Johnson describes at various other portions of the Johnson disclosure that the customer chooses two or more payment options, and the processing of Johnson determines which of those two or more payment options will indeed be used.

However, such various disclosure of Johnson fails to teach the particulars of claim 48. Specifically, claim 48 recites "performing, after identifying the single payment source and the payee account, an optimization determination to determine a payment mechanism to use to transfer the funds" in conjunction with other features.

Applicant respectfully submits that Johnson fails to teach or suggest each and every feature as recited in claim 48. It is respectfully submitted that claim 48 is allowable at least for

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the reasons set forth above. Further, independent claims 73 and 79 recite patentable subject matter at least for reasons similar to those set forth above with respect to claim 1.

The dependent claims recite patentable subject matter based on their dependencies on the respective independent claims, as well as for the additional features such dependent claims recite.

Withdrawal of the 35 U.S.C. §102 rejection is respectfully requested.

B. Conclusion

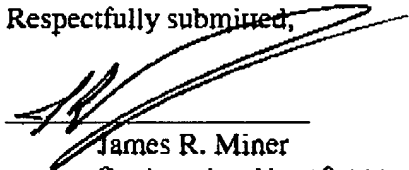
For at least the reasons outlined above, Applicant respectfully asserts that the application is in condition for allowance. Favorable reconsideration and allowance of the claims are respectfully solicited.

It is believed that no fee is due in connection with this filing. However, if it is determined otherwise, the Commissioner is hereby authorized to charge our Deposit Account No. 50-0206.

Respectfully submitted,

Date: April 10, 2008

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